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Insert the following new Appendix after Appendix H :—

"APPENDIX I.

[*See note below rule 3 (d).*]

RULES, QUESTIONNAIRE AND INSTRUCTIONS FOR THE DETERMINATION OF DOMICILE.

PART I (RULES).

Provisions for the determination of domicile.

1. The domicile of a person may be defined as the place which is his permanent home. Domicile is of two kinds, namely, domicile of origin and domicile of choice.

Contd

Magistrate authorized by him in this behalf, or the Chief Presidency Magistrate, Bombay, or a Stipendiary Magistrate authorized by him in this behalf, or the appointing authority, as the case may be, himself and the work should not be delegated to any subordinate officer.

11. When the applicant for appointment is a married woman who is not separated from her husband by an order of a competent court, her domicile should be determined with reference to the domicile of her husband (*vide* rule 8 in Part I), the form of Domicile Questionnaire prescribed in Part II above being used with suitable modifications.

ANNEXURE.

(*Vide* Instruction 1.)

Form of Certificate.

I hereby certify that Mr./Mrs./Miss has submitted the proofs of his/her birth detailed below, and has satisfactorily shown that he/she was actually born on or about the date stated, viz., the day of 19 at , a place within His Majesty's dominions, and that he/she is a British subject. Neither his/her father* nor his/her mother was born outside His Majesty's dominions and allegiance.

*In the case of a married woman her husband.

Ex. A.—Certificate of Birth Registry.
Ex. B.—Domicile Questionnaire.
Ex. C.—
Ex. D.—

I do also certify that the abovenamed candidate has his/her domicile in the Province of Bombay.

Place
Dated the 19

Chief Presidency Magistrate, Bombay.
Presidency Magistrate, Bombay.
District Magistrate.
Magistrate.

Seal.

Presidency Magistrate's Court.
District Magistrate's Court.
Magistrate's Court.

(G. N., P. & S. D., No. 1586/34, dated 3rd January 1942.)

(Correction No. 51, The Bombay Civil Services Classification and Recruitment Rules, dated the 20th April 1942.)

By order of the Governor of Bombay,

C. K. MARU,
Assistant Secretary to Government.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Extracts from Rules regulating the functions of the Bombay-Sind Public Service Commission.

BOMBAY-SIND PUBLIC SERVICE COMMISSION (FUNCTIONS) (BOMBAY) RULES, 1937.

PART I.

PRELIMINARY.

1. These rules may be called the Bombay-Sind Public Service Commission (Functions) (Bombay) Rules, 1937.

2. In these rules, unless there is something repugnant in the subject or context—

(*i*) "Act" means the Government of India Act, 1935;

(*ii*) "Commission" means the Bombay-Sind Public Service Commission;

(*iii*) "Government" means the Government of Bombay;

(*iv*) "Governor" means the Governor of Bombay.

PART II.

RECRUITMENT.

3. When any competitive examination is to be held for the purposes of recruitment to any of the services and posts specified in Schedule I, the Commission shall, subject to the provisions of sub-section (*2*) of section 255 of the Act,

(*i*) announce—

(*a*) the qualifications of candidates as from time to time prescribed by Government in consultation with the Commission,

(*b*) the conditions of admission to the examination,

(*c*) the syllabus of the examination, and

(*d*) the number of vacancies to be filled from among the candidates for the examination;

(*ii*) make arrangements for the actual conduct of the examination;

(*iii*) arrange the candidates in order of merit on the result of the examination; and

(*iv*) forward a list of the candidates so arranged to Government:

Provided that when the result of any such competitive examination has failed to secure adequate representation to different communities, recruitment to the services and posts specified in Schedule I may, for the purpose and to the extent of redressing such inadequacy of representation, be made by selection. Such selection shall, so far as may be, be made in accordance with the provisions of rule 4.

4. When recruitment to any of the services and posts specified in Schedule II is to be made by selection, the Commission shall—

(*i*) announce—

(*a*) the qualifications of candidates as from time to time prescribed by Government in consultation with the Commission and the procedure regarding the submission of applications,

I—*Indian States*—concld.

(318) Talsana.
(319) Tavi.
(320) Tejpura.
(321) Terwada.
(322) Thana Devli.
(323) Thara.
(324) Tharad.
(325) Timba.
(326) Toda (Vachhani).
(327) Uchad.
(328) Umeta.
(329) Umri.
(330) Untdi.
(331) Vadal Bhandaria.
(332) Vadali.
(333) Vadhyawan.
(334) Vadia.
(335) Vadod (Dewani).
(336) Vadod (Jhalawad).
(337) Vaghavdi (Vaghvori).
(338) Vajiria.
(339) Vakhtapur.
(340) Vaktapur.
(341) Vala.
(342) Valasna.
(343) Vana.
(344) Vanala.
(345) Vangadhra.
(346) Vanod.
(347) Varnolmal.
(348) Varnol Moti.
(349) Varnol Nani.
(350) Varsoda.
(351) Vasan Sewada.
(352) Vasan Virpur.
(353) Vasavad.
(354) Vasurna.
(355) Vavdi-Dharwala.
(356) Vavdi (Vachhani).
(357) Vekaria.
(358) Vejanoness.
(359) Vichhavad.
(360) Vijayanagar.
(361) Virampura.
(362) Virpur.
(363) Virsoda.
(364) Virva.
(365) Vithalgadh.
(366) Vora.
(367) Wadagam.
(368) Wadhwan.
(369) Wadi (Estate).
(370) Wankaner.
(371) Wao (Vav).
(372) Wasna.
(373) Warahi.
(374) Zabardast Khanji Estate.
(375) Zainabad.

Inserted vide Slip No 51

II—*Territory adjacent to India.*

Portuguese India.

Page 99, Appendix I—

For the form of domicile certificate prescribed in the Annexure to the Instructio contained in Part III *substitute* the following, namely :—

"*Form of domicile certificate.*

I hereby certify that Mr./Mrs./Miss has submitte the proofs of his/her birth detailed below, and has satisfactorily shown that he/s was actually born on or about the date stated, viz., the day 19 , at a place in the province of .. within his Majesty's dominions a a place in the Indian State of a place in the territory of

allegiance British Subject.

and that he/she is a subject of the Indian State of native of the territory of

I do further certify that the abovenamed candidate has his/her domicile in t Province of

in the Indian State of and belongs to the in the territory of

community and the caste and sub-caste. sub-community.

Ex. A.—Certificate of Birth Registry.
Ex. B.—Questionnaire.
Ex. C.—
Ex. D.—

*[I do also certify the father of the abovenamed candidate is an employee the Department of the Government of India, Railway who is liable to inte provincial transfers, and that the candidate has resided continuously for the las three years within the limits of the Province of Bombay.]

Place
Dated the
Seal of the issuing authority.

Magistrate authorised by { Chief Presidency Magistrate, Bombay. / District Magistrate }

*To be added only in the case of children of employees of Departments of the Government India liable to inter-provincial transfer, and who are *not* 'natives' of, or have no domicile in Province of Bombay."

(G. N., P. & S. D., No. 1586/34, dated the 18th December 1943.)

(Correction No. 111 to the Bombay Civil Services Classification and Recruitment Rules, dated the 1st March 1944.)

must be tested by all available means. No certificate should be granted unless the District Magistrate, or a Stipendiary Magistrate authorized by him in this behalf, or, the Chief Presidency Magistrate, Bombay, or Stipendiary Magistrate authorized by him in this behalf, as the case may be, is satisfied from the replies given to the Domicile Questionnaire and from all other available evidence, and from the evidence, if any, produced by the applicant that the family is permanently settled in the Province of Bombay and that he has no intention of returning to his country of origin.

4. An applicant who on the evidence produced does not appear to be really domiciled in the Province of Bombay, but who claims to have acquired a domicile therein should be required to sign a declaration to the effect that he has definitely renounced his former domicile and that he has no objection to the authorities of his former domicile being informed accordingly. A copy of such declaration should be forwarded to the Government of the Province or Indian State in which the applicant was originally domiciled, in order to ensure that the change of domicile is real and not claimed merely with a view to securing employment under the Provincial Government.

5. When the domicile claimed is of recent origin, the claim should be scrutinized with special care. The fact that the applicant owns a residence in the Province of Bombay is not by any means a conclusive proof that he is domiciled therein. It should be considered along with other circumstances of his case.

6. The fact that a candidate was born and educated in the Province of Bombay, that he and his parents through whom he claims his domicile have resided in the said Province for a period of not less than ten years immediately preceding the date of application (necessary breaks being allowed) strongly support a claim to a domicile in the Province of Bombay but other relevant circumstances including the fact whether the candidate's mother tongue is one of the regional languages or dialects of the Province of Bombay must also be taken into account.

7. Residence in the Province of Bombay for any number of years for a temporary purpose such as service, trade, profession, etc., should not by itself be regarded as establishing a claim to domicile.

8. A regular proceeding should be drawn up in each case. The reasons together with the proofs which are held to justify the grant of a certificate of domicile should be fully stated in the proceedings and briefly also in the certificate itself.

9. In the case of an appointment to an inferior service or post, the appointing authority should satisfy itself, by such method as that authority considers suitable in each case that the applicant has a domicile in the Province of Bombay. No certificate of domicile should be required in the case of an appointment to an inferior service or post.

10. All questions regarding the scrutiny of domicile should be disposed of by the District Magistrate, or a Stipendiary

contd

(*b*) the number of vacancies to be filled;

(*ii*) invite applications;

(*iii*) consider all applications received and interview such candidates as it considers most suitable for appointment; and

(*iv*) forward to Government a list consisting of such number as they may fix of the candidates whom it considers most suitable for appointment arranged in order of preference:

Provided that—

(*a*) the Commission shall invite the Head of the Department concerned to be present, or to appoint a representative to be present at the interview referred to in clause (*iii*) and the Head of the Department or his representative so present may take part in the deliberations of the Commission but shall not be entitled to vote;

(*b*) when recruitment by selection is made owing to the failure of an examination to give adequate representation to different communities the functions of the Commission shall be confined to the recommendation of candidates in accordance with such orders as the Governor may pass in this behalf.

5. When recruitment to any of the services and posts specified in Schedule III is to be made by promotion from a lower service or post, the Commission shall—

(*i*) consider the claims of candidates nominated for appointment by the Head of the Department of the Secretariat concerned,

(*ii*) thereafter advise Government in respect of each candidate nominated whether his qualifications are sufficient and whether his record proves him to have the character and ability requisite for the service to which it is proposed to appoint him, and

(*iii*) arrange the candidates in order of preference:

Provided that nothing in clause (*iii*) shall apply when recruitment to the Provincial Police Service is to be made by promotion from the subordinate ranks of the Police force.

SCHEDULE I.

(*Rule* 3.)

SERVICES AND POSTS TO WHICH RECRUITMENT SHALL BE MADE BY EXAMINATION.

1. Bombay Service of Engineers, Class I.

2. Subordinate Secretariat Service (Ministerial Branch) including—

(*a*) the Upper Division, so far as recruitment to it is not made by promotion from within the Department;

(*b*) the Lower Division;

(*c*) the subordinate staff in the Directorate of Information;

(*d*) the clerical staff in the office of the Oriental Translator to Government; and

(*e*) the staff of the Record Office.

SCHEDULE II.

(*Rule* 4.)

SERVICES AND POSTS TO WHICH RECRUITMENT SHALL BE MADE BY SELECTION.

Revenue Department.

1. Deputy Collectors.
2. Bombay Forest Service, Class II.
3. Bombay Agricultural Service, Class I.
4. Bombay Agricultural Service, Class II.
5. Other posts in the Agricultural Department which have been graded as Provincial.
6. Bombay Veterinary Service, Class I.
7. Bombay Veterinary Service, Class II.
8. Assistant Registrars of Co-operative Societies.
9. Special Auditors of Co-operative Societies.
10. Superintendent of Bombay City Survey.
11. Supervisor, Bombay Entertainment Duty Act.
12. Manager, Development Department Chawls.
13. Manager and Assistant Managers, Government Photozinco Press, Poona.

13-A. Inspectors of Excise, Group II, so far as these posts are not filled by the Commissioner of Excise by promotion within the Department.

Home Department.

14. Presidency Small Cause Court Judges (excluding the Chief Judge).
15. Presidency Magistrates, Bombay (excluding the Chief Presidency Magistrate).
16. Subordinate Judges.
17. Registrar, Small Cause Court, Bombay.
18. Registrar, Presidency Magistrates' Courts, Bombay.
19. Registrars of Small Cause Courts at Poona and Ahmedabad.
20. Deputy Superintendents of Police.
21. Police Surgeon, Bombay.
22. Director of Information.
23. Coroner of Bombay.
24. Oriental Translator to Government.
25. Assistant Secretaries to Government, Home Department.
26. Superintendent, Yeravda Industrial School.

General and Educational Departments.

27. B. M. S., Class I, Divisions I and II.
28. B. M. S., Class II.
29. Other posts in the Medical Department which have been graded as Provincial.

30. Non-I.M.S. Director of Public Health.
31. Assistant Directors (including Assistant Directors in charge, Public Health Laboratory, Poona, and Vaccine Institute, Belgaum).
32. B. E. S., Class I (Men's Branch and Women's Branch).
33. B. E. S., Class II (Men's Branch and Women's Branch).
34. Contract posts sanctioned in place of any of the posts in B. E. S., Classes I and II.
35. Other posts in the Educational Department which have been graded as Provincial.
36. Warden and Assistant Wardens of Weights and Measures.
37. Other posts in the Industries Department (on contract or otherwise) which have been graded as Provincial.
38. Consulting Surveyor to Government.
39. Assistant Consulting Surveyor.
40. Deputy Assistant Consulting Surveyor.
41. Senior Assistant in the Town Planning and Valuation Department.

Public Works Department.

42. B. S. E., Class II.
43. Temporary Engineers on annual sanction.
44. All posts in the Public Works Department Specialist Branches (on contract or otherwise) which have been graded as Provincial.

Political and Reforms Department.

45. Chief Inspector of Factories.
46. Senior Inspectors of Factories.
47. Junior Inspectors of Factories.
48. Certifying Surgeon, Bombay (Factories Department).
49. Lady Inspector of Factories.
50. Chief Inspector of Steam Boilers and Smoke Nuisances.
51. Inspectors of Steam Boilers and Smoke Nuisances.
52. Commissioner of Labour.
53. Labour Officer, Bombay.
54. Labour Officer, Ahmedabad.
55. Assistant Commissioners of Labour.

Finance Department.

56. Assistant Secretary to Government, Finance Department.

Legal Department.

57. Assistant Secretary to the Bombay Legislative Assembly.

SCHEDULE III.

(*Rule* 5.)

SERVICES AND POSTS TO WHICH RECRUITMENT SHALL BE MADE BY PROMOTION.

Revenue Department.

1. Deputy Collectors.
2. Superintendent of Land Records.
3. Mamlatdars.
4. District Inspectors of Land Records.
5. Bombay Forest Service, Class I.
6. Bombay Forest Service, Class II.
7. Bombay Agricultural Service, Class I.
8. Bombay Agricultural Service, Class II.
9. Other posts in the Agricultural Department which have been graded as Provincial.
10. Bombay Veterinary Service, Class I.
11. Bombay Veterinary Service, Class II.
12. Assistant Registrars of Co-operative Societies.
13. Special Auditors of Co-operative Societies.
14. Sub-Registrar, Bombay.
15. Joint Sub-Registrar, Bombay.
16. Superintendents of Excise (including the Personal Assistant to the Commissioner of Excise).
17. Superintendent, Nasik Distillery.
18. Chief Accounts Officer of Excise.
19. Deputy Superintendent, Bombay City and Harbour Veterinary Department.
20. Deputy Commissioner of Matches and Sugar Excise.
21. Assistant Superintendent of Stamps, Bombay.
22. Manager and Assistant Managers, Government Photozinco Press, Poona.
23. Assistant Secretaries to Government, Revenue Department.

Home Department.

24. Registrar, Presidency Magistrates' Courts, Bombay.
25. Registrar, Small Cause Court, Bombay.
26. Registrars, Small Cause Courts at Poona and Ahmedabad.
27. Deputy Superintendents of Police.
28. Superintendents, Bombay City Police Force.
29. Non-I.M.S. Superintendents of Central Prisons.
30. Non-I.M.S. Superintendents of Prisons other than Central Prisons.
31. Oriental Translator to Government.
32. Assistant Secretaries to Government, Home Department.
33. Assistant Backward Class Officers.
34. Superintendent, Backward Class Officer's Office.

General and Educational Departments.

35. B. M. S., Class I, Divisions I and II.
36. B. M. S., Class II.
37. Other posts in the Medical Department which have been graded as Provincial.
38. Non-I.M.S. Director of Public Health.
39. B. E. S., Class I (Men's Branch and Women's Branch).
40. B. E. S., Class II (Men's Branch and Women's Branch).
41. Teacher of Drawing, Sir J. J. School of Art.
42. Teacher of Normal Class, Sir J. J. School of Art.
43. Superintendent, Reay Art Workshops, Sir J. J. School of Art.
44. Consulting Surveyor to Government.
45. Assistant Consulting Surveyor.
46. Deputy Assistant Consulting Surveyor.
47. Senior Assistants in the Town Planning and Valuation Department.
48. Assistant Secretary to Government, General and Educational Departments.
49. Superintendent, Government Printing and Stationery, Bombay.
50. Manager, Government Central Press.
51. Manager, Yeravda Prison Press.
52. Warden, Weights and Measures.

Public Works Department.

53. B. S. E., Class I.
54. B. S. E., Class II.
55. All posts in the Public Works Department Specialist Branches (on contract or otherwise) except Temporary Engineers on annual sanction, which have been graded as Provincial.

55A. Assistant Secretary to Government, Public Works Department.

Political and Reforms Department.

56. Chief Inspector of Factories.
57. Senior Inspectors of Factories.
58. Chief Inspector of Steam Boilers and Smoke Nuisances.
59. Labour Officer, Ahmedabad.
60. Assistant Commissioners of Labour.
61. Assistant Secretary to Government, Political and Reforms Department.

Finance Department.

62. Assistant Secretary to Government, Finance Department.

Legal Department.

63. Assistant Secretaries to Government, Legal Department.
64. Personal Assistant to the Remembrancer of Legal Affairs.
65. Assistant Secretary to the Bombay Legislative Assembly.

Extracts from Regulations prescribing the matters in which it is not necessary to consult the Bombay-Sind Public Service Commission.

1. It shall not be necessary to consult the Bombay and Sind Public Service Commission (hereinafter referred to as "the Public Service Commission") in any of the matters specified in paragraphs (*a*) and (*b*) of sub-section (*3*) of section 266 of the said Act in respect of—

(*a*) the posts and services specified in the Annexture to these Regulations, and

(*b*) temporary appointments to other posts and services [except the Subordinate Secretariat Service (Ministerial Branch) including the subordinate staff in the Directorate of Information, the clerical staff in the office of the Oriental Translator to Government and the staff of the Record Office] for a period not exceeding one year.

1-A. It shall not be necessary for the Public Service Commission to be consulted in making promotions in the Subordinate Secretariat Service (Ministerial Branch) including the subordinate staff in the Directorate of Information, the clerical staff in the office of the Oriental Translator to Government and the staff of the Record Office, in making transfers within the said service and on the suitability of candidates for such promotions or transfers.

1-B. It shall not be necessary for the Public Service Commission to be consulted in any of the matters specified in paragraphs (*a*), (*b*) and (*c*) of sub-section (*3*) of section 266 of the said Act in respect of the posts of Inspectors of Excise, Group II, except with regard to appointments to such of the said posts as are not filled by the Commissioner of Excise by promotion within the Department.

1-C. It shall not be necessary to consult the Public Service Commission in any matter relating to commissioned officers of His Majesty's forces holding civil posts in connection with the affairs of the Province of Bombay.

1-D. It shall not be necessary to consult the Public Service Commission in any of the matters specified in paragraphs (*a*) and (*b*) of sub-section (*3*) of section 266 of the said Act in respect of the posts of Presidency Magistrates and Judges of the Court of Small Causes, Bombay.

2. It shall not be necessary for the Public Service Commission to be consulted in making promotions in the Subordinate Civil Judicial Service.

3. It shall not be necessary for the Public Service Commission to be consulted regarding the suitability of a candidate to be appointed in England to a post or service unless applications for the same post or service have also been invited in the Bombay Presidency.

Annexture.

(1) All services and posts, appointments to which are made by the Governor in his discretion or in the exercise of his individual judgment.

(2) Listed posts on the executive as well as judicial sides of the Indian Civil Service cadre.

(3) The Sheriff of Bombay.

(4) The Deputy Sheriff, Bombay.

(5) The Administrator General and the Official Trustee, Bombay.

(6) Honorary posts of Medical Officers.

(6-A) Principal and Perry Professor of Jurisprudence and Professors of Law at Government Law College, Bombay.

(7) The Advocate General.

(8) (*i*) Government Solicitors ;
(*ii*) Solicitor to Government in the Legal Department ;
(*iii*) Assistant Solicitor to Government in the Legal Department ;
(*iv*) Public Prosecutor for Bombay.

(9) The Government Pleader, High Court, Bombay.

(10) The District Government Pleaders and Public Prosecutors, their Assistants and Honorary Assistants to Government Pleaders.

(11) The Official Assignee, the Deputy Official Assignee, the First Assistant to the Official Assignee and the Second Assistant to the Official Assignee, Bombay.

(12) All posts on the staff attached to His Majesty's High Court of Judicature at Bombay, appointments to which are made by the Chief Justice of the said High Court under sub-section (*4*) of section 242 of the Government of India Act, 1935.

(13) All other services and posts to which appointments are made by authorities subordinate to the Provincial Government except—

(*a*) the posts of Mamlatdars ;

(*b*) the Subordinate Secretariat Service (Ministerial Branch) including—

(*i*) the Upper Division in that Service (so far as recruitment to it is not made by promotion from within the Department),

(*ii*) the Lower Division in that Service,

(*iii*) the subordinate staff in the Directorate of Information,

(*iv*) the clerical staff in the office of the Oriental Translator to Government, and

(*v*) the staff of the Record Office ;

(*c*) the posts of District Inspectors of Land Records ; and

(*d*) the posts of Inspectors of excise, Group II, so far as these posts are not filled by the Commissioner of Excise by promotion within the Department.

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